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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,143	01/31/2002	Lonnie W. Adelman	10012205 -I	3546

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EXAMINER

DANG, KHANH NMN

ART UNIT PAPER NUMBER

2111

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,143

Applicant(s)

ADELMAN, LONNIE W.

Examiner

Khanh Dang

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20030807.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

Claims 25, and 33-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 is directed to an apparatus. However the essential structural cooperative relationship(s) between the so-called "means for monitoring" and "means for generating" have been omitted, such omission amounting to a gap between necessary structural connections. See MPEP § 2172.01.

Claim 33 is indefinite. Specifically, it is not ascertained what may be the subject matter of claim 33. First, it is unclear what the phrase "existing network protocols" may refer to. Further, the phrase "where the data relates to a condition not included in the network protocols" renders the claim indefinite.

Claim 38 is indefinite. Specifically, it is not ascertained what may be the subject matter of claim 38. First, it is unclear what the term "operating protocols" may refer to. Further, the phrase "for monitoring a condition of an appliance not included in the operating protocols" renders the claim indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2111

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda.

At the outset, it is noted that similar claims will be grouped together to avoid repetition.

As broadly drafted, these claims do not define any structure/step that differs from Maeda.

With regard to claims 1, 8, 13, 21, 25, 33, 34, 38, 40, 41, Maeda discloses system for use with an electronic appliance configurable for use with an IEEE 1394 serial bus, comprising: an IEEE 1394 compliant electrical device (100); and, a circuit (included in PC 102/402) electronically coupled with said electrical device (100) and configured to cause a reset signal to be generated when a power status of the electronic appliance changes (stop and start power supply or change in voltage/power level will cause a reset signal to be generated); wherein said electrical device (100) and said circuit (included in PC 102/402) are configured to be coupled with the IEEE 1394 serial bus (see at least column 1, line 44) and the electronic appliance (100).

With regard to claim 2, it is clear that the electrical device of Maeda, as in any digital device, comprises an integrated circuit.

With regard to claim 3, 16, 22-24, 35, 36, 39, 42, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the electrical device (100) controls a physical layer and the reset signal causes the physical layer and the network (IEEE 1394 network shown generally at Fig. 1) to be reset. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 4, 17, 18, 37, 43, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the reset of the physical layer causes a self-ID command to be generated on the IEEE 1394 serial bus. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claim 5, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the electrical device controls a link layer. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 6, 12, 19, 44, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the self-ID command includes a status of the link layer. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 7, 11, 14, 15, it is clear that the circuit of Maeda, as in any digital circuit, comprises an integrated circuit.

With regard to claims 9, 45, it is clear that the PC 102/402 comprises digital circuit or "logic circuit." See also column 6, lines 12-26.

With regard to claim 10, it is clear that the circuit of Maeda comprises at least an interface circuit.

With regard to claim 20, it is clear that the 1394 system of Maeda must be in full compliance with IEEE 1394 specification. Thus, in Maeda, the physical layer receives power from a supply source through the 1394 bus. See also Applicant's own acknowledgement, page 3, line 1 to page 4, line 24; page 9, lines 14-22; page 10, line 18 to page 12, line 10.

With regard to claims 26-32, it is clear that one using the apparatus of Maeda would have performed the same steps set forth in claims 26-32. See discussion regarding to the apparatus claims 1-25, 33-45.

U.S. Patent Nos. 6,198,384 to Oi et al., 5,919,261 to Aoki et al., and 6,738,843 to Bennett are cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang  
Primary Examiner